

**REMARKS**

In the Species Election Requirement dated November 16, 2006, election was required between the following identified species of aqueous electrochemically active component: water (claim 3), water soluble oxidants (claims 4 and 5), air (claim 24) and metal hydride alloy (claim 47). Applicant hereby elects, without traverse, water, to initially prosecute in the above-identified patent application.

The claims readable on the elected species are claims 1-3, 8-23, 44, 45 and 48-63. Claim 1 is generic for the elected species.

Claims 54 and 55, depending from claim 1, have been amended for clarification to recite that a first material layer of a protective composite separator comprises the composite reaction product of Li (or, in claim 55, active metal) with  $\text{Cu}_3\text{N}$ . Support for this claim amendment can be found at page 19, lines 1-2 and 5-8, for example. In addition, claims 66-69 are hereby canceled, without prejudice, as directed to a non-elected invention. Entry of these amendments prior to examination is respectfully requested.

If any further restriction/election is required in order to facilitate initial examination of this application, the Examiner is invited to contact Applicant's undersigned representative for a telephone election at the number set out below. For the Examiner's convenience, the following suggestions are offered for further election in the event that it would help expedite examination:

for the active metal anode: lithium metal (Li);

for the cathode structure: seawater (as the ionically conductive component and the electrochemically active component) and porous nickel (as the electronically conductive component)

for the ionically conductive membrane: a laminate composite of,

a first material layer: the composite reaction product of Li with  $\text{Cu}_3\text{N}$ ,

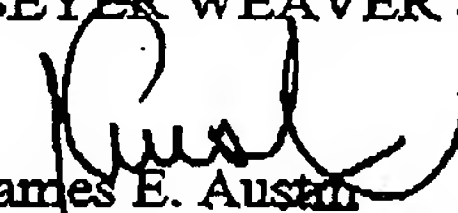
a second material layer: the glass-ceramic recited in claim 57; and

The claims readable on these prospective species are claims 1-3, 8-17, 20-23, 44, 45, 48-51 and 53-63, and again claim 1 is generic.

It is understood that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP036).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



James E. Austin  
Registration No. 39,489

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100